

Whistleblower Policy

Purpose

Local Guardians is committed to a culture where people feel safe to speak up about concerns without fear of reprisal. This policy sets out how protected whistleblower disclosures are encouraged, received, protected, assessed, investigated, and resolved in accordance with the Aged Care Act 2024, the Aged Care Quality and Safety Commission Rules 2024 (“Rules”) and the Corporations Act 2001.

The policy aims to:

- Provide individuals who make a whistleblower disclosure (“Discloser”) with an understanding of what can be reported under this policy.
- Explain the processes for reporting, how a report is received and assessed, and what happens after a report is made.
- Outline the protections available to a Discloser, including confidentiality, the option to report anonymously, freedom from reprisals, and fair treatment for persons named.
- Ensure that all allegations are assessed and, where appropriate, investigated promptly with suitable action and continuous improvement taken, when necessary.

Definitions

Discloser/ Whistleblower	A person who makes a Protected Disclosure to an eligible internal or external channel in accordance with this policy.
Protected Disclosure	A disclosure where the individual has Reasonable Grounds to suspect wrongdoing covered by the Aged Care Act 2024 or other improper conduct.
Reasonable Grounds	Reasonable grounds means that a reasonable person in the same position, with the same information available at the time of the disclosure, would suspect wrongdoing. Mere speculation, dissatisfaction with management decisions, or unsupported allegations do not constitute reasonable grounds.
Responsible Person	Has the meaning given in the Aged Care Act 2024, including key personnel, governing persons and individuals responsible for the executive decisions of the approved provider.
Team Members	Include: Current and former Board Members, employees (including full-time, part-time, casual), contractors, service provider staff and volunteers.
Impartial Investigator	A person who has no real or apparent conflict of interest, is free from actual or perceived bias, was not involved in the events under investigation, and conducts the investigation with procedural fairness, including giving affected persons a fair chance to respond and basing findings on relevant evidence.

Who Can Make a Disclosure

Anyone connected to Local Guardians may make a disclosure, including employees, current and former Board members, contractors, volunteers, care advisers and outsourced workforce, former workers, clients

receiving services, families, carers, and representatives, and any other person interacting with the organisation.

What Can Be Reported

A Protected Disclosure covers information about suspected:

- Unsafe, poor-quality, or neglectful care
- Breaches of the Aged Care Act 2024 or Rules
- Misconduct, improper conduct, or unethical behaviour
- Financial misconduct or fraud
- Risks to the health, dignity, wellbeing, or safety of clients
- Reprisals against someone who speaks up
- Corporate wrongdoing (where Corporations Act 2001 protections apply)

What is Not a Protected Disclosure

- Where a disclosure is primarily related to an individual's performance, conduct, workload, interpersonal issues, or employment conditions, and does not involve suspected wrongdoing under the Aged Care Act 2024 or Corporations Act 2001, it will be managed as a human resources matter, even if the individual characterises it as a whistleblower disclosure.
- A Protected Disclosure does not include information that solely relates to personal employment grievances, interpersonal conflicts, performance feedback, workload allocation, or management decisions, unless the information has a clear and direct connection to suspected unlawful conduct, systemic misconduct, or a serious risk to client safety.
- Sometimes a suspicion of wrongdoing may arise from a misunderstanding and is not in fact a wrongdoing. Individuals are encouraged to check with their supervisor or manager to seek a response.
- Client, family, and representative disclosures relating to dissatisfaction with services, fees, or individual care arrangements are ordinarily managed under the Complaints Policy and will only be treated as Protected Disclosures where they allege suspected unlawful conduct, systemic neglect, or serious regulatory breaches.

How to Make a Disclosure

Disclosures must be documented in writing and at minimum acknowledged by the Discloser if a verbal disclosure is documented on their behalf. Anonymous disclosures are legitimate and will be received, however anonymous reporting can hinder the effectiveness of an investigation.

Individuals may make a Protected Disclosure internally through any of the following channels:

- Any Team Member who must promptly facilitate communication and written acknowledgement of the Protected Disclosure to a Responsible Person
- The Local Guardians Support Office inbox, phone number or Complaints communication tools

Individuals may also choose to make a Protected Disclosure to external bodies, including:

- The Aged Care Quality and Safety Commission
- The Aged Care Complaints Commissioner
- The Commonwealth Department of Health, Disability and Ageing
- The police
- An independent aged care advocate who facilitates communication to a Responsible Person

Confidentiality and Protection

- Local Guardians will keep the Discloser's identity confidential unless disclosure is legally required or the Discloser has provided consent.
- Where a disclosure is made on reasonable grounds to suspect a contravention, Disclosers are protected from reprisals including dismissal, demotion, discrimination, or harassment.
- Any detriment, victimisation, or other unfavourable treatment of a whistleblower is prohibited and may lead to Team Member disciplinary action. Reports made in bad faith that are deliberately false or malicious may result in disciplinary action, due to the serious nature of reputational and emotional damage they can cause.
- Protected Disclosures are managed within the confidential complaints and feedback process.
- Whistleblower protections do not provide immunity from the consequences of substantiated misconduct, poor performance, or breaches of policy. Local Guardians may continue performance management, disciplinary, or other employment processes in parallel, provided these actions are not taken because of the disclosure.
- Actions, decisions, or performance management processes that were underway or reasonably contemplated prior to a disclosure will not, of themselves, be treated as reprisal.

Whistleblower Process

Where a disclosure meets the criteria for a Protected Disclosure and where the disclosure is assessed by Local Guardians as meeting the legislative criteria for a Protected Disclosure, the matter will be managed under the Whistleblower process:

- Local Guardians conducts an initial assessment to confirm the matter falls within the scope of the whistleblower provisions
- An Impartial Investigator, either internal or external and with no conflict of interest, is appointed to examine the issues raised
- Investigations are conducted in a way that is confidential, fair, and consistent with natural justice.
- Outcomes and any required actions or improvements are documented, and feedback is provided to the Discloser where appropriate
- All disclosures are acknowledged within 7 days and assessed within 30 days
- Personal information gathered through disclosures is managed lawfully and securely and is only used for the purposes of assessment, investigation, resolution, and required reporting

Roles and Responsibilities

- The Local Guardians Board and management team oversee the effectiveness of the whistleblower system and ensure resources, independence of investigations, and integration with risk, quality and continuous improvement.
- The Local Guardians management team coordinate intake, triage, and investigation, protect confidentiality and report deidentified trends to governance committees.
- All Team Members must receive disclosures respectfully, protect confidentiality, and escalate promptly through designated channels.

Version History

Version number	Summary of change	Approved by	Effective date
1	Creation of policy to encourage the reporting of misconduct by outlining the protections for people who make a whistleblowing report on reasonable grounds, and how reports of misconduct can be made and how they are handled.	Board	13-Aug-2024
2	Updated to reflect new Whistleblower regime commencing 1 November 2025	Board	3-Jan-2026